bad faith only. The coort applied the same role of damages usually applied to cases of innocent as distinguished from cases of willful trespass and probably intended the terms to be used synonymously. The principal is liable to third persons for all acts committed by his agent within the actual or apparent scope of his agency, *Mather* v. *Barnes* et al., 146 Fed. 1000. On the question as to whether the malicious acts of the agent imposed any liability on the principal when not done with his assent, there is a decided conflict of authority. 2 *C. J.* 854 (Sec. 537). But in the instant case it is not an act of the agent but his knowledge which is imputed to the principal. It is a well settled general rule that a principal is affected with constructive knowledge, regardless of his actual knowledge, of all the material facts of which his agent receives notice or acquires knowledge, while acting in the course of his employment, although the agent does not in fact inform his principal thereof. *Armstrong* v. *Ashley,* 204 U. S. 272; *Daw* v. *Lally,* 213 Mass. 578. Thus notice to an agent for the purchase of land of the rights of another therein is notice to his principal of such defects in title. *Blair* v. *Whittaker,* 31 Ind. App. 664. If then the defendant in this case had the knowledge of the attorney that there was a defect in his title, in entering upon the premises he was a willful trespasser and logically should not have been allowed his expenses. But as the rule is in some cases a harsh one its operation should be rightly confined to those cases to which it is strictly applicable and it cannot be invoked for the purpose of imputing actual malice in the conduct of the principal because of the facts known to the agent. *Trentor* v. *Pothen,* 46 Minn. 298; *Reisan* v. *Mott* 42 Minn. 49. The principal case affords an illustration of the attempts on the part of the courts to restrict the doctrine of knowledge by imputation so as not to cause injustice or hardship.

WORKMEN'S COMPENSATION — ACCIDENT IN COURSE OF EMPLOYMENT. — Claimant sought compensation under the statute for the death of her husband who suffered a heat stroke while carrying on work pursuant to his employment by defendant. There was no evidence that deceased was exposed by his employment to any greater degree of heat than was any other member of the community generally. *Held,* in view of the fact that the Pennslvania statute provides for compensation for personal injuries resulting from accident received "in the course of employment", claimant should recover. *Lane* v. *Horn & Hardart Baking Co.* (Penna. 1918), 104 Atl. 615.

In almost every other state these facts would not present a case for compensation, the statutes very generally requiring that the injuries shall have been received not only "in the course of employment" but "out of the employment" as well. HONNOLD, WORKMEN'S COMPENSATION, Sec. 101. Injuries from lightning, unless the victim was specially exposed by his employment to such dangers, are thus not within the provisions of the acts generally. In Pennsylvania, though, a person struck by lightning is entitled to compensation if at the time of injury he is working at his job as an employee, but not if he is at home or is not engaged in the business of his employment. The act in Pennsylvania, then, is really an insurance for all employees against accidental injuries received while on the job. The statutes generally may

be said to be insurances for employees against such injuries only where there is some causal connection between the employment and the injury. On the question as to the existence of such causal connection see 16 MICH. L. REV. 179. See also *Cennell* v. *Daniels Co.* (Mich.), 168 N. W. 1009.

WORKMEN'S COMPENSATION—WORKMEN WHO ARE TO BE COUNTED IN MAKING UP REQUIRED NUMBER.—Part A, Sec. 2 of Connecticut P. A. 1913, C. 138, the Workmen's Compensation Act of that state provides that the Act shall not apply to employees of any employer "having regularly less than five employees," etc. Defendants, conducting an amusement park, had three employees who quite clearly were "regularly" employed; claimant's deceased was one of these. On two nights of each week, when the weather was good, dances were given, the music being furnished by two orchestras of three or more pieces each, sometimes one orchestra being on duty, at other times the other. *Held,* the musicians were properly counted in making up the required number of five employees. *Boyle* v. *Mahoney & Tierney* (Conn. 1918), 103 Atl. 127.

So far as the musicians were concerned the attention of the court seems to have been directed to the question of their being employees of independent contractors; having concluded that they were not such, the court apparently takes it for granted that they were "regularly" employed. Quite a number of states have similar limitations in their workmen compensation acts, but there is a complete dearth of authority as to what sort of employees are to be counted in making up the specified number. Suppose an employer has four regular employees and a scrubwoman who comes in to clean up the office once each month. Is she to be counted as making up the required five? Or suppose a small corporation has clearly four such employees and has arrangements with the cashier of a local bank to keep the books and act as secretary, not, however, as an officer. Should he be counted as the fifth? In the absence of a controlling definition in the Act itself, it is proper to look to the object sought to be attained. Why was the Act limited to employees whose employer has regularly five or more employees? A comprehensive scheme for compensation to injured workmen grew out of a feeling, first of a certain inequality between employee and employer, and, second, that the industry should bear the burden resulting from injuries received in the course and out of employment. A number limitation as in Connecticut, it is believed, was put into the statute because it was felt that there was need of such sweeping changes in liability only where an employee by reason of being one of many was more exposed to industrial accident. The Kansas Act (Laws 1911, C. 218, §8) provides expressly: "It is hereby determined that the necessity for this law and the reason for its enactment, exist only with regard to employers who employ a considerable number of persons. This Act, therefore, shall only apply to employers by whom five or more workmen have been employed continuously," etc. In view of these considerations it is believed that it is questionable whether the court in the principal case should have counted the musicians. See in general, *Jeffrey Mfg. Co.* v. *Blagg,* 235 U. S. 571.